United Nations CRC/C/NRU/Q/1

Convention on the Rights of the Child

Distr.: General
4 March 2016

Original: English
English, French and Spanish only

Committee on the Rights of the Child
Seventy-third session
13-30 September 2016
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the initial report of Nauru

The State party is requested to submit, in writing, additional, updated information, if possible before 10 June 2016 (10,700 words maximum).

The Committee may take up any aspect of children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. With reference to paragraph 36 of the State party report (CRC/C/NRU/1), please provide information on the outcome of the comprehensive review of the State party's laws to ensure their compliance and harmonization with provisions of the Convention.

2. Please inform the Committee whether national courts, including the appellate courts, invoke the rights contained in the Convention. If so, please provide examples.

3. With reference to paragraph 72 of the State party report, please provide information on the scope, content, outcome and status of the National Youth Policy for 2009-2015 and the Child Protection Services workplan. Please inform the Committee whether the State party intends to elaborate and adopt a comprehensive national action plan for children's rights that would cover all children below the age of 18 years and all areas under the Convention.

4. In the light of the information provided by the State party that it has approved a budget allocation for 2015 and 2016 for the implementation of the Convention, please inform the Committee whether the allocation includes indicators and tracking systems at all levels. Please also provide information on the targeted budget allocations for children in marginalized and vulnerable situations, in particular asylum-seeking and refugee children.

5. According to the State party report (paras. 132-135), different legislative acts define the child differently. In this regard, please clarify the age limit used by the State party in designing its programmes and policies on children. Please also clarify whether the

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State party intends to increase the age of marriage for girls, which is currently set at 16 years.

6. With reference to paragraph 136 of the State party report, please clarify what legislative and policy regulations address discrimination on the grounds of disability, sexual orientation, gender identity, nationality, and other status, such as asylum-seeking and refugee children. Please also inform the Committee about the measures taken to combat discrimination against such groups.

7. Please clarify how the State party ensures that the best interests of the child are taken into account as a primary consideration in all judicial and administrative decisions, policies and procedures. Please indicate what the legal guarantees are for upholding the best interests of the child, especially in respect of its regional arrangements with Australia regarding asylum-seeking and refugee children.

8. In the light of the information provided by the State party that decision-making is solely the responsibility of parents (para. 160), please clarify how the State party ensures the implementation of article 12 of the Convention and guarantees the right of the child to express views and be heard, including in family settings.

9. With reference to paragraph 183 of the State party report which acknowledges that a large number of girls below the age of 15 are subjected to sexual abuse, as well as reports that asylum-seeking and refugee children in the regional processing centres are targeted for sexual abuse, including rape, please clarify what measures, including legal measures, have been taken by the State party to prevent such incidents, and to investigate reports and prosecute and sanction perpetrators. Please clarify the mechanisms established to protect child victims and child witnesses of sexual abuse, including among asylum-seeking and refugee children, and to provide medical and psychological assistance.

10. Please inform the Committee about the situation of children deprived of a family environment, including those in institutions or foster care. Please also provide information on the measures taken to ensure the right of unaccompanied asylum-seeking and refugee children to enter and leave the country for the purposes of family reunification.

11. Please inform the Committee of any plans to provide children with disabilities with inclusive education in mainstream schools and to ensure that all children with disabilities are provided with access to quality education, health care and other services.

12. Please inform the Committee about the measures taken to:

(a) Address the staffing shortage faced by the health and medical services, particularly in relation to neonatal and postnatal care;

(b) Tackle the growing level of obesity in the country;

(c) Address the problems reportedly faced by asylum-seeking and refugee children in regional processing centres in accessing quality medical services, and prevent communicable diseases in such centres;

(d) Provide sexual and reproductive health services, including HIV/AIDS counselling and testing and services for the prevention of mother-to-child transmission of HIV/AIDS.

13. Please provide information on the progress achieved in implementing the open centre policy for asylum seekers and refugees, as referred to in paragraph 272 of the State party report. In this regard, please provide information on the current living conditions of asylum-seeking and refugee children, including on their access to education, health care, food, sanitation, and leisure and sports activities. Please also provide information on the timeline established for processing asylum requests in respect of children.

14. Please provide information on the status and implementation of the Juvenile Justice Bill of 2015 and on measures taken to increase the minimum age of criminal responsibility. Please also inform the Committee whether the State party provides in law and in practice for alternative measures to detention for children below the age of 18 years.

Part II

In this section, the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:

(a) New bills or laws, and their respective regulations;

(b) New institutions and their mandates, and institutional reforms;

(c) Recently introduced policies, programmes and action plans, and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the past three years on budget lines relating to children and the social sectors, indicating the percentage of each budget line in terms of the total national budget, gross national product and geographic allocation.

2. Please provide, if available, updated statistical data, disaggregated, inter alia, by age, sex and national origin, for the past three years, on asylum-seeking and refugee children.

3. Please provide data, disaggregated by age, sex, socioeconomic background and ethnic origin, regarding the situation of children deprived of a family environment. Please indicate, for the past three years, the number of children:

(a) Separated from their parents;

(b) Living in child-headed households;

(c) Placed in institutions;

(d) Placed with foster families;

(e) Adopted domestically or through intercountry adoptions.

4. Please provide data, disaggregated by age, sex, type of disability and ethnic origin, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Not attending school;

(g) Abandoned by their families.

5. Please provide data, disaggregated, inter alia, by age, sex, socioeconomic background and ethnic origin, for the past three years, on:

(a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, primary schools and secondary schools;

(b) The number and percentage of dropouts and repetitions;

(c) The teacher-pupil ratio.

6. Please provide the Committee with an update of any data in the report that may have been superseded by more recent data or that may have been affected by new developments.

7. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.